

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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PETER OPPENEER  
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UNITED STATES OF AMERICA

INFORMATION

v.

Case No.

21 CR 085 WMC

BARBARA BORTNER and  
RYAN WECKERLY,

18 U.S.C. § 1343

26 U.S.C. § 7201

26 U.S.C. § 7206(2)

Defendants.

THE UNITED STATES ATTORNEY CHARGES:

COUNT 1

Background

1. At times material to this information:
  - a. Mercyhealth was a large regional health care provider operating several hospitals and many clinics throughout Southern Wisconsin and Northern Illinois.
  - b. Defendant BARBARA BORTNER was the Vice President of Marketing and Public Relations at Mercyhealth and worked primarily in Janesville, Wisconsin. Her role in this position included overseeing Mercyhealth's marketing department, including approving marketing projects and approving invoices and bills.
  - c. Defendant RYAN WECKERLY was the owner of two marketing agencies based in Sycamore, Illinois - Morningstar Media Group and Morningstar Interactive (doing business as Invironments Magazine). Morningstar Media Group

prepared television, radio, and internet advertising for Mercyhealth. Invironments Magazine was a general lifestyle magazine featuring human interest stories, advertisements, gift ideas, recipes, holiday decoration guides, and other items.

d. On February 18, 2015, BORTNER opened a business checking account (account number XX9529) at the Bank of Milton in the name of "WeInspire L.L.C." The Bank of Milton was located in Milton, Wisconsin. BORTNER was the only authorized signer on the account.

e. On August 22, 2015, WECKERLY opened a business checking account at American Midwest Bank in the name of "Blank Slate Media LLC DBA Blank Slate Ads." American Midwest Bank was located in Sycamore, Illinois. WECKERLY and his wife were the only authorized signers on the account.

f. Prior to February of 2015, Morningstar Media Group provided legitimate marketing services to Mercyhealth.

#### Scheme to Defraud

2. During the period beginning in or about February of 2015, and continuing to in or about June of 2020, in the Western District of Wisconsin and elsewhere, the defendants,

BARBARA BORTNER and  
RYAN WECKERLY,

knowingly, and with the intent to defraud, devised and participated in a scheme to defraud Mercyhealth, and to obtain money and property by means of materially false and fraudulent pretenses, representations, omissions, and promises.

3. It was part of the scheme to defraud that beginning in or about February of 2015, BORTNER and WECKERLY discussed WECKERLY submitting inflated invoices to BORTNER for his marketing work for Mercyhealth. BORTNER and WECKERLY agreed that he would provide kickbacks to BORTNER for the funds he received from the inflated invoices. In return, BORTNER agreed she would continue to use Morningstar Media Group as the primary marketing agency for Mercyhealth.

4. It was further part of the scheme to defraud that BORTNER and WECKERLY discussed using check payments in addition to cash payments for the kickbacks. As a result of their conversation regarding using check payments for kickbacks, BORTNER formed WeInspire L.L.C. ("WeInspire") and WECKERLY created the marketing business Blank Slate Media LLC ("Blank Slate Media").

5. It was further part of the scheme to defraud that following the creation of WeInspire, WECKERLY submitted inflated marketing invoices to Mercyhealth from Morningstar Media Group and Blank Slate Media. WECKERLY maintained business checking accounts for Morningstar Media Group and Blank Slate Media.

6. It was further part of the scheme to defraud that BORTNER created WeInspire to make it appear that she was performing legitimate work for Environments Magazine. In reality, BORTNER's creation of WeInspire was an attempt to disguise the source of the kickback payments from WECKERLY.

7. It was further part of the scheme to defraud that BORTNER failed to inform other executives at Mercyhealth about the true nature of the inflated invoices



from Morningstar Media Group and Blank Slate Media or the details of her kickback scheme with WECKERLY.

8. It was further part of the scheme to defraud that WECKERLY received check payments from Mercyhealth for the inflated invoices and deposited the check into his business bank accounts for Morningstar Media Group and Blank Slate Media. WECKERLY transferred a portion of the money from the inflated invoices to his business checking account for Invironments Magazine ("the Invironments account"). WECKERLY wrote 103 checks from the Invironments account to WeInspire for a total of \$2,051,975. BORTNER deposited the vast majority of these checks into account number XX9529 at the Bank of Milton. BORTNER used the funds from these checks for her own purposes and did not use the funds for the benefit of Mercyhealth.

9. It was further part of the scheme to defraud that WECKERLY withdrew cash from the bank accounts for Morningstar Media Group and Blank Slate Media and provide the cash directly to BORTNER.

10. On or about April 30, 2019, in the Western District of Wisconsin and elsewhere, the defendants,

BARBARA BORTNER and  
RYAN WECKERLY,

for the purpose of executing the scheme, knowingly caused to be transmitted, by means of wire communications in interstate commerce, certain signals and sounds, namely: an interstate wire originating in Wisconsin resulting from the deposit of check #5505 for

\$70,000, written to "WeInspire" from "Invironments Magazine" into account number XX9529 at the Bank of Milton in Milton, Wisconsin.

(In violation of Title 18, United States Code, Section 1343).

COUNT 2

1. Paragraphs 1-10 of Count 1 are incorporated here.
2. On or about April 12, 2019, in the Western District of Wisconsin, the defendant,

BARBARA BORTNER,

a resident of Milton, Wisconsin, willfully attempted to evade and defeat income tax due and owing by her and her spouse to the United States of America, for the calendar year 2018, by committing the following affirmative act, among others: preparing and causing to be prepared, and by signing and causing to be signed, a false and fraudulent Form 1040, in that it substantially understated her gross income and tax due and owing for calendar year 2018, and which was submitted to the Internal Revenue Service.

(In violation of Title 26, United States Code, Section 7201).

COUNT 3

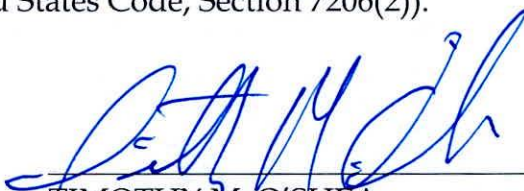
1. Paragraphs 1-10 of Count 1 are incorporated here.
2. On or about October 15, 2020, in the Western District of Wisconsin, the defendant,

RYAN WECKERLY,

willfully aided and assisted in the preparation and presentation to the Internal Revenue Service of a false and fraudulent income tax return for Barbara Bortner for calendar year 2019 by providing Bortner's business "WeInspire" with an IRS Form 1099, which was filed with the Internal Revenue Service, that underreported her compensation from WECKERLY's business "Morningstar Interactive Inc.," whereas WECKERLY then and there well knew and believed, Bortner's compensation was greater than that reported.

(In violation of Title 26, United States Code, Section 7206(2)).

9-1-2021  
Date

  
TIMOTHY M. O'SHEA  
Acting United States Attorney